

REMARKS

As Applicants are filing a RCE herewith, this amendment and accompanying IDS should be entered and considered by the Examiner at this time.

Applicants will address each of the Examiner's rejections in the order in which they appear in the Final Rejection.

Double Patenting

Claims 21-24, 76 and 77

In the Final Rejection, the Examiner provisionally rejects Claims 21-24, 76 and 77 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application no. 09/773,543 (US 2001/0030322) in view of Ikeda et al. (US 6,671,025) and Fujikawa (US 6,002,463). This provisional rejection is respectfully traversed.

While Applicants traverse this rejection, in order to advance the prosecution of this application, Applicants are amending independent Claims 21 and 76 to recite the features of "a leveling film covering said light shielding portion, said first colored layer, said second colored layer and said third colored layer" and "wherein said leveling film has a thickness of 1 μ m or more." These features are supported, for example, in Embodiment 1, page 12, lns. 3-10 and Figs. 1B and 1C (e.g. leveling film 14), and in Embodiment 2, page 14, lns. 6-13 and Figs. 2B and 2C (e.g. leveling film 24). This film is advantageous for overcoming the problem of flatness.

It is respectfully submitted that these features are not claimed in the '543 application and would not have been obvious in view of the other cited references. Accordingly, there is no double patenting, and it is respectfully requested that this rejection be withdrawn.

Claims 85-90

The Examiner also provisionally rejects Claims 85-90 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 4 and 6 of co-pending application no. 09/773,543 in view of Ikeda et al. and Fujikawa. This provisional rejection is also respectfully traversed.

Each of these claims is a dependent claim. Therefore, for the reasons discussed above for the independent claims, there is also no double patenting of these claims. Accordingly, it is respectfully requested that this rejection be withdrawn.

New Claims

Applicants are also adding Claims 91-96 herewith. These claims are supported by, for example, Embodiment 1 (see e.g. page 12, lines 3-10, Fig. 1B, Fig. 1C) and Embodiment 2 (see e.g. page 14, lines 6-13, Fig. 2B, Fig. 2C). Each of these claims is patentable for at least the reasons discussed above. Accordingly, it is respectfully requested that these claims be entered and allowed.

If any fee should be due for these new claims, please charge our deposit account 50/1039.

Information Disclosure Statement

Applicants are filing an information disclosure statement (IDS) herewith. As a RCE is being filed herewith, it is respectfully requested that this IDS be entered and considered prior to the issuance of any further action for this application.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

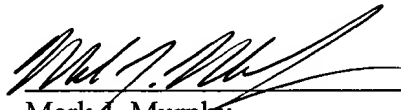
If any fee should be due for this amendment, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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